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मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 9]

भोपाल, शुक्रवार, दिनांक 3 मार्च 2023—फाल्गुन 12, शक 1944

भाग ४

विषय—सूची

(क)	(1) मध्यप्रदेश विधेयक,	(2) प्रवर समिति के प्रतिवेदन	(3) संसद् में पुरःस्थापित विधेयक.
(ख)	(1) अध्यादेश	(2) मध्यप्रदेश अधिनियम,	(3) संसद् के अधिनियम.
(ग)	(1) प्रारूप नियम,	(2) अन्तिम नियम.	

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)—कुछ नहीं

भाग ४ (ग)

अंतिम नियम

उच्च न्यायालय, मध्यप्रदेश, जबलपुर

Jabalpur, the 24th February 2023

No.B-1429.— In exercise of the powers conferred by Articles 225 of the Constitution of India, Section 54 of the States Reorganisation Act, 1956, clauses 27 and 28 of the Letters Patent, the High Court of Madhya Pradesh, hereby, makes the following amendments in the High Court of Madhya Pradesh Rules, 2008, which shall come into force from the date of their publication in the Madhya Pradesh Official Gazette.

AMENDMENTS

In the said rule, -

1. In chapter II,-

- (1) After sub-rule 2 (d) of Rule 1, the following note shall be added:
“Note: (1) (a) A First appeal registered under chapter-II Rule 8 sub-rule (1), (2) shall be characterized by letter “Reg.” within brackets, placed after the abbreviate FA. e.g. FA (Reg.) No.....of
(b) A first appeal registered under chapter II Rule 8 sub-rule (3), (4), (5), (7) and (10) shall be characterized by letter “Mat.” within brackets, placed after the abbreviate FA. e.g. FA (Mat.) No.....of
(c) All other first appeal registered under chapter II Rule 8 shall be characterized by letter “Misc.” within brackets, placed after the abbreviate FA. e.g. FA (Misc.) No.....of”
- (2) In sub-rule (7) of Rule 1, after clause (b), the following clauses shall be added:
“(c) Miscellaneous Petition (Civil)..... MP (Civil)
(d) Miscellaneous Petition (Criminal)..... MP (Cri.)”
- (3) Note: (1) (b) of sub-rule (7) of Rule 1 shall be substituted with the following, namely :
“(b) A writ petition pertaining to a criminal matter shall be characterized by letters “Cri.” within brackets, placed after the letters “W.P.”. e.g. W.P. (Cri.) No. ...of 2008”
- (4) In Rule 29, at the end, after the full stop “.” the words and full stop “Writ Appeal shall be so far as may be in Format No. 42.” shall be added.
- (5) In sub-rule (1) of Rule 30, the words and figure “and/or 227” shall be deleted.
- (6) After Rule 30A, the following rule shall be added :
“30B. Miscellaneous Petition - A petition filed under Article 227 of the constitution of India shall be registered as Miscellaneous Petition (Civil) or Miscellaneous Petition (Cri.) as the case may be.”

2. In chapter VIII, in Rule 3, at the end, the comma and words “ , act and plead” shall be inserted.
3. In chapter X,-
 - (1) In Rule 14, at the end, after full stop “.” the words and full stop “Contempt Petition (Civil) shall be so far as may be in Format No. 41.” shall added.
 - (2) In Rule 39, at the end, after the words “cause title” the words “and the interlocutory application so filed will be numbered as I.A No. -----/Year followed by the case number of the main case as per format detailed in format Number 40” shall be inserted.
4. In chapter XII, for Rule 6A and proviso thereof, the following rule shall substituted, namely :

“6A. Whenever a criminal appeal where a sentence of imprisonment has been imposed accompanied with an application for suspension of sentence is filed before recess, the same shall be posted before the concerned Bench on the next working day and in all other cases the same shall be posted before the concerned Bench within three days of filing.”
5. In chapter XIII,
 - (1) In Rule 3A, the words “restoration/review” shall be deleted.
 - (2) After Rule 3A, the following rule shall be added, namely :

“3B. In an application seeking restoration or review, the Registry shall place the record of the main case along with application.”
6. In chapter XIV, in Rule 22,
 - (1) The words and comma “or petition besides bearing the annual serial number against which it is registered in the register of petitions in the computer,” shall be deleted
 - (2) Between the words “shall” and “bear”, the word “also” shall be deleted.
 - (3) For the words “at the head of the application or petition”, the words “just below the name of the court” shall be substituted.

7. In chapter XV, -

- (1) In Rule 1, for sub-rule (1), the following sub-rule shall substituted, namely :

“(1) Whenever a matter is admitted or notice is ordered to be issued to any party the notice shall be issued by registered post with acknowledgement due and the necessary postal charges shall be paid by the party at whose instance the notice is to be issued.”

- (2) In sub-rule (2) of Rule 1, for the words “or speed post or courier service”, the words “acknowledgement due” shall be substituted and between the word “within” and “days” the words “seven” shall be substituted by the word “three working”.

- (3) After sub-rule (2) of Rule 1, the following sub-rule shall be added, namely :

“(3) (a) Whenever notice is ordered on any interlocutory application to be issued to any party the notice shall be issued by registered post with acknowledgement due and the applicant shall pay the necessary postal charges within the time stated in the order, or if no such time stated, within three working days of the order.

(b) The provisions of order V of the Code of Civil Procedure, 1908 shall, so far as may be, apply to service of process in all proceedings of this Court.”

- (4) In Rule 2, in the last proviso, for the words “or speed post or approved courier service”, the words “post with” shall be substituted.

- (5) In Rule 3, for the word “exempt” the word “exempted” shall be substituted.

- (6) In Rule 4, for the words “may in his discretion, either grant further time” the words “shall grant seven days” shall be substituted and for the words “or may”, the words “and if not done within the said period” shall be substituted.

- (7) In Rule 6, for the words “a writ petition for final hearing” the words “or issued a notice” shall be substituted.

- (8) In Rule 7, for the words “writ petition” the word “case” shall be substituted.
- (9) In Rule 11, the words “in a Writ Petition” shall be deleted and for the words “office shall”, the words “Court may” shall be substituted.

8. In chapter XVII, -

- (1) Rule 4 shall be omitted.
- (2) In sub-rule (1) of Rule 6,-
 - (i) After the words “is ready” and before the comma “,” the words “for pronouncement” shall be inserted.
 - (ii) After the words “such Judge”, for the words “and shall be transmitted in a sealed cover or online in only readable format and password protected to the place where the case was heard with an authorization and/or password in favour of a Judge, sitting at that place, for pronouncement on his behalf”, the words “at the place of his sitting and shall be pronounced by way of video conferencing with notice thereof to the parties/ advocates by way of publication in the cause list” shall be substituted.
- (3) In sub-rule (1) of Rule 7,
 - (i) Between the words “is ready” and “both the judges” the comma “,” shall be deleted.
 - (ii) Between the words “is ready” and “both the Judges”, the words “for pronouncement and one or” shall be inserted.

(iii) For the words “transmitted in a sealed cover or online in only readable format and password protected to the place, where the case was heard, with an authorization and/or password in favour of a Judge of that place to pronounce the judgment/order on behalf of the division bench” the words “shall be pronounced by any one of the Judges constituting the Bench at his place of sitting by way of video conferencing with notice thereof to the parties/advocates by way of publication in the cause list” shall be substituted.

9. In chapter XXII, after Rule 1, the following rule shall be added, namely :

“1A. All the Forms and Formats prescribed in these Rules may be modified/added/deleted etc. on the directions of the Chief Justice.”

10. In Annexure relating to Rule 1 (9) of chapter X, in Subject Category Code 11403, for sub-category No.15, the following sub-categories shall be substituted, namely :

“15. Any other order (not being an interlocutory order) U/s 14 A (1) of “The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989”

15A- For regular bail U/s 14 A (2) of “The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989”

15B- For anticipatory bail U/s 438 of the code of Criminal Procedure, 1973 Read with section 14 (2) of “The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989”

15C- For cancellation of bail U/s 14 (2) of the “The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989”.

15D- Against charges framed by special court U/s 14 A (1) of “The

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989”

15E- Against the order of discharge passed by special court U/s 14 A (1) of “The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989”.

11. In Annexure relating to Rule 1 (9) of chapter X, in the Category Code 19000, before the words “TRADE MARK & PATENTS” the words and comma “INTELLECTUAL PROPERTY RIGHTS,” shall be added.
12. In Annexure relating to Rule 1 (9) of chapter X, after the Subject Category Code 19003, the following code shall be added, namely :

“19004	The Airport Authority of India Act, 1994
19005	The Geographical Indications of Goods (Registration and Protections) Act, 1999.
19006	The Protection of Plant Varieties and Farmer’s Rights Act, 2021”
13. In Form No.5 relating to Chapter X Rule 8, in the table, between the columns “S. No.” and “Description of Document”, the column “Annexure No.” shall be inserted.
14. In Format No.7 after point No.6, for point No.7, the following point shall be substituted, namely :

“7. Relief Prayed for :
(Specify below the relief prayed for)

PRAYER

Therefore, it is most humbly prayed that this Hon’ble Court may kindly be pleased to :-

(In case of a writ of mandamus)

- I. Issue a writ in the nature of mandamus directing the Respondent No..... (or any other Respondent) to consider the representation of the Petitioner dated produced as Annexure
(In case of a writ of certiorari)
 - II. Issue a writ in the nature of certiorari to quash the impugned order datedpassed by the Respondent No.(or any other Respondent) in Case No..... (or any other Respondent) vide Annexure.....
(In case of a writ of quo-warranto)
 - III. Issue a writ of quo-warranto directing Respondent No..... to show cause under which authority of law he retains the post of
 - IV. Issue a writ in the nature of certiorari to quash the appointment of Respondent No.....to the post ofas null and void ab-initio.
(In case of a writ of prohibition)
 - V. Issue a writ of prohibition directing the learned Trial Court/Tribunal not to proceed further in the pending Case No..... and also not to pass any order in the said matter.
(In all cases)
 - VI. Issue any other writ, order or direction as this Hon'ble Court deems fit."
15. After Format No. 39, the following format shall be added, namely :

**"Format No.40
(Chapter 10, rule 39)
IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR /BENCH AT INDORE/
BENCH AT GWALIOR**

I.A. No..... of
In
(Nature of case) No..... of

In the matter of :

Name of the first Petitioner /
Appellant/ Applicant.....Petitioner/Appellant/Applicant

Vs.

Name of the first Respondent /
Non Applicant/.....Respondent / Non Applicant

Application under....(please specify provision and act) by.....

The applicant named above respectfully begs to submit as under :

- 1.
- 2.
- 3.....

Prayer

Whereof this Hon'ble Court may kindly be pleased to---

- (a) allow the application and.....
- (b) stay the operation of impugned order dated.....passed
by the learned Single Judge in Writ Petition No.....
(in case of Writ Appeal)

Place :.....

Date :.....

(Signature)
Advocate for applicant

16. After Format No.40, the following format shall be added, namely :

“Format No. 41

(Chapter X, rule 14)

**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL
SEAT AT JABALPUR / BENCH AT INDORE / BENCH AT
GWALIOR**

Contempt Petition (Civil) No. of

Cause Title

Petitioner : The name, age, father/husband's name, occupation and complete address and fax number with S.T.D. Code and e-mail address, if any;

Vs

Respondent/ : The name, age, father/husband's name, occupation, complete address and fax number with S.T.D. Code and e-mail address, if known;
Contemnor

(Contempt Petition (Civil) under) (Specify the provision of law)

1. Particulars of the writ, order in relation to which the petition is made:
2. Subject-matter in brief :
3. **Grounds urged :**
(Give separately, the grounds on which the relief (s) is / are claimed in the petition and legal provision relied on.)
4. **A declaration that any Writ Appeal or Special Leave Petition challenging the order in respect of which contempt has been averred has been filed or not and if filed its status or result thereof, along with copy of the order.**
5. **A declaration that no proceeding on the same subject matter has been previously instituted in any Court, authority or tribunal. If instituted, the status or result thereof, along with copy of the order**
6. **Delay, if any, in filing the petition and explanation therefor :**
(State exact period within which the petition is filed after accrual of cause of action therefor)

7. Caveat:

That, no notice of lodging a caveat by the opposite party is received or notice of caveat is received and the Petitioner has furnished the copies of the Writ Petition together with copies of the annexure (if any) to the caveator.

8. Relief Prayed for :**PRAYER**

Therefore, it is most humbly prayed that this Hon'ble Court may kindly be pleased to :-

Initiate proceedings for contempt and punish the respondents (No.1 or 2) for willfully disobeying the order dated.....passed by the learned Single Judge/Division Bench in Writ Petition No.....

Place:

Date:

(Signature)

Advocate for Petitioner (s)"

17. After Format No.41, the following format shall be added, namely :

“Format No. 42

(Chapter II, rule 29)

**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL
SEAT AT JABALPUR / BENCH AT INDORE / BENCH AT
GWALIOR**

Writ Appeal No. of

Cause Title

Appellant : The name, age, father/husband's name, occupation and complete address and fax number with S.T.D. Code and e-mail address, if any;

Vs

Respondent : The name, age, father/husband's name, occupation, complete address and fax number with S.T.D. Code and e-mail address, if known;

Writ Appeal under section 2(1) of the Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005

- 1. Particulars of the writ order in relation to which the appeal is made:.....**
- 2. Subject-matter in brief :**
- 3. Grounds urged :**
(Give separately, the grounds on which the relief (s) is / are claimed in the appeal and legal provision relied on.)
- 4. A declaration that no proceeding on the same subject matter has been previously instituted in any Court, authority or tribunal. If instituted, the status or result thereof, along with copy of the order.**
- 5. Delay, if any, in filing the appeal and explanation therefor :**
(State exact period within which the appeal is filed after accrual of cause of action therefor)
- 6. Caveat:**
That, no notice of lodging a caveat by the opposite party is received or notice of caveat is received and the Petitioner has furnished the copies of the Writ Petition together with copies of the annexure (if any) to the caveator.

7. Relief Prayed for :**PRAYER**

Therefore, it is most humbly prayed that this Hon'ble Court may kindly be pleased to :-

- i. Allow the appeal by setting aside the order dated.....passed by the learned Single Judge in Writ Petition No.....
- ii. Issue any other order as this Hon'ble Court deems fit.

Place:

Date:

(Signature)

Advocate for Petitioner (s)

RAMKUMAR CHOUBEY, Registrar General.

Jabalpur, the 24th February 2023

No.B.1431.- In exercise of the powers conferred by sub-section (1) of Section 28 of the Right to information Act, 2005, the Chief Justice of Madhya Pradesh High Court (Competent Authority), hereby makes the following amendments in the Madhya Pradesh (Right to Information) Rules, 2006, namely :

AMENDMENTS

1. In Rule 7 (B), in the table, in the Sr. No.02 and column No.03, for the word "Five", the word "Three" shall be substituted.
2. In Rule 9, after sub-rule (1) and before sub-rule (2), the following clauses shall be added, namely :
 "(a) The record pertaining to RTI Appeals under RTI be preserved for a period of one year from the date of disposal of application or in case any Second Appeal is filed, till the disposal of appeal whichever is later and shall thereafter be destroyed with the sanction of Competent Authority.
 (b) The record pertaining to Miscellaneous Application/Complaints under RTI be preserved for a period of one year from the date of disposal of application and thereafter be destroyed with the sanction of Competent Authority."

RAMKUMAR CHOUBEY, Registrar General.

नगरीय विकास एवं आवास विभाग

मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 1 मार्च 2023

सूचना

क्र. एफ 3-113-2021-अठारह-5.—मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, 1973 (क्रमांक 23 सन् 1973) की धारा 24 की उपधारा (3) के साथ पठित धारा 85 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य सरकार, एतद्द्वारा, मध्यप्रदेश भूमि विकास नियम, 2012 के निम्न नियम में संशोधन करती है, जो उक्त अधिनियम की धारा 85 की उपधारा (1) के द्वारा अपेक्षित किए गए अनुसार मध्यप्रदेश राजपत्र (साधारण), दिनांक 9 दिसम्बर 2022 में पूर्व में प्रकाशित किये जा चुके हैं :—

संशोधन

उक्त नियमों में, —

1. नियम 2 में, उपनियम (5) के पश्चात् निम्नलिखित उप-नियम अंतःस्थापित किया जाए, अर्थात् :—

“5-क. अनुज्ञापन प्राधिकारी से अधिप्रेत है तथा इसमें सम्मिलित होंगे,—

आयुक्त, नगरीय प्रशासन एवं विकास या उनके द्वारा प्राधिकृत कोई अधिकारी, जो संपूर्ण मध्यप्रदेश हेतु अग्निशमन इंजीनियरों को अनुज्ञप्ति जारी कर सकेंगे”.

2. नियम 26 में, उप-नियम (2) में, अनुक्रमांक 6 के स्थान पर, निम्नलिखित अनुक्रमांक स्थापित किया जाए, अर्थात् :—

पदनाम (1)	न्यूनतम अर्हता (2)
“6. अग्निशमन इंजीनियर	किसी मान्यताप्राप्त भारतीय या विदेश विश्वविद्यालय से अग्निशमन इंजीनियरिंग/प्रौद्योगिकी में स्नातक या समकक्ष, अग्निशमन इंजीनियरिंग/प्रौद्योगिकी के क्षेत्र में एक वर्ष के अनुभव के साथ. या (एक) किसी मान्यताप्राप्त विश्वविद्यालय से विज्ञान में स्नातक उपाधि या समकक्ष, तथा (दो) दो वर्ष के अनुभव के साथ अग्नि सुरक्षा में एडवांस डिप्लोमा.”.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
शुभाशीष बैनर्जी, उपसचिव.

भोपाल, दिनांक 1 मार्च 2023

क्र. एफ 3-113-2021-अठारह-5.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, विभागीय सूचना क्र. एफ 03-113-2021-अठारह-5, दिनांक 1 मार्च 2023 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
शुभाशीष बैनर्जी, उपसचिव.

NOTICE

Bhopal the 1st March 2023

No. F-F3-113-2021-XVIII-5.—In exercise of the powers conferred by sub-section (1) of Section 85 read with sub-section (3) of Section 24 of Madhya Pradesh Town and Country Planning Act, 1973 the State Government hereby makes the following amendments in Madhya Pradesh Bhumi Vikas Niyam, 2012 rules the same having been previously published in the Madhya Pradesh Gazette (ordinary) dated 9 December 2022 as required by sub-section (1) of Section 85 of the said Act.

AMENDMENT

In the said rules,—

1. In rule 2, after sub-rule (5), the following sub-rule shall be inserted, namely :—

"Rule 5-A : Licensing Authority means and shall include :—

Commissioner, Urban Administration and Development or an officer authorized by him who can issue license to Fire Engineers for the whole of the State of Madhya Pradesh."

2. In rule 26, in sub rule.(2), for serial number 6, the following serial number shall be substituted namely :—

Designation (1)	Minimum Qualification (2)
" 6. Fire Engineer	Graduate in Fire Engineering/Technology or equivalent from recognized Indian or foreign university with One years experience in the field of Fire Engineering/Technology. OR (i) Bachelor's Degree in Science or equivalent from any recognized university, and (ii) Advance diploma in Fire Safety with 2 years experience."

By order and in the name of the Governor of Madhya Pradesh,
SHUBHASHISH BANERJEE, Dy. Secy.